IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.48918 of 2008
DEEPAK KUMAR
Versus
STATE OF BIHAR
With
Cr.Misc. No.48838 of 2008

1. RAJDEO SINGH
2. KAPILDEO SINGH
3. SANJAY KUMAR PANDEY

Versus
STATE OF BIHAR
For the petitioner : N.K.Agarwal, Sr.Advocate
For the State :Mr.Upendra Kumar,APP
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2. 19.12.2008 Since both the matters arise out the same police case, they have been heard together and are being disposed of by this common order.

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The petitioners in cr.misc.no. 48838 of 2008 are the employees, whereas the petitioner in cr.misc.no.48918 of 2008 is relative of the licensee of the fertilizer company/shop/dealer.

Counsel for the petitioners submits that the alleged licensee/owner of the shop has since been granted anticipatory bail by this Court. In this connection, he has produced the order dated 3.12.2008 passed in cr.msic.no. 48378/2008 and cr.misc. no. 48087/2008. The said order reads thus:

> "Heard the learned Counsel for the petitioners and the learned counsel for the State.
>
> The petitioners apprehend arrest in a Police case under Sections 406, 420 and other provisions of the Penal Code Read with Section 7 of the Essential Commodities Act.
>
> It is submitted that the petitioners are licensed as wholesaler to deal in sale and purchase of fertilizer. This includes the fertilizer in the brand

> name of Hara Bahar being manufactured by M/s Kishan Tractors run by own brother of petitioners. Whole FIR was figment of imagination of the Investigation Officer because empty bags of the aforesaid fertilizer requisitioned from Calcutta are suspected to be used for filling fertilizer of other brands when there is no material to that effect.
>
> Having considered the facts and circumstances of the case, let the petitioners, above named, surrender in the court below within a period of four weeks from today when they shall be enlarged on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Begusarai in Phulwaria PS Case No. 144 of 2008, subject to the conditions as laid down under Section 438(2) Cr. P.C."

Counsel for the petitioners submits that there is no direct allegation against the petitioners and at best they can be said to be persons who were engaged in the shop by the owner/licensee.

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Having regard to the fact that other co-accused have been granted anticipatory bail, this Court is inclined to grant bail to these petitioners.

Let the petitioners abovenamed in both the cases, be released on bail on furnishing bail bond of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Begusarai in Fulwaria p.s.case no.144/2008

(Kishore K. Mandal)

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